



PATENT
ATTORNEY DOCKET NO. 044574-5054-01



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
MAIL STOP PATENT APPLICATION

PRIOR APPLICATION: Examiner: Redding D.
Group Art Unit: 1744

**CONTINUATION, DIVISIONAL, AND CONTINUATION-IN-PART
PATENT APPLICATION TRANSMITTAL UNDER 37 C.F.R. § 1.53(b)**

This is a request for filing a patent application under 37 C.F.R. § 1.53(b).

1. This application is a ☐ Continuation ☐ Divisional ☒ Continuation-in-Part patent application under 37 C.F.R. § 1.53(b), of pending prior application no. 09/780,630 filed on February 12, 2001, of:

Inventor(s): Kathryn G. KLEMIC, James F. KLEMIC, Mark A. REED, and
Frederick J. SIGWORTH

For: PLANAR PATCH CLAMP ELECTRODES

Priority Information: This application is a Continuation-in-Part Patent Application of U.S. Application No. 09/780,630 filed on February 12, 2001, which claims the benefit of U.S. Provisional Application 60/181,935, filed February 11, 2000, which are hereby incorporated by reference in their entirety. This application also claims the benefit of priority of U.S. Provisional Application No. 60/423,112, filed November 1, 2002, which is herein incorporated by reference in its entirety.

2. The papers enclosed are as follows:

45 Page(s) of specification including

2 Page(s) of claims

1 Page of abstract

15 Sheet(s) of drawings containing Figures 1-15

Others:

3. Amendments

For continuation and divisional applications:

- ☐ Cancel in this application original claims _____ in the enclosed copy of prior application before calculating the filing fee.
- ☐ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

4. Oath or Declaration

For continuation or divisional applications:

- ☐ A newly executed (original or copy) oath or declaration is enclosed.
- ☐ A copy of an oath or declaration from a prior application is enclosed under 37 C.F.R. § 1.63(d). The entire disclosure of the prior application, from which a _____ copy of the oath or declaration is supplied is considered as part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
- ☐ A signed statement deleting inventor(s) named in the prior application is enclosed.

For continuation-in-part applications:

- ☐ A newly executed (original or copy) oath or declaration is enclosed.
- ☒ An oath or declaration is not enclosed. This application is being filed under 37 C.F.R. § 1.53(f). Applicant(s) await notification from the Patent and

Trademark Office of the time set for filing the declaration and paying the filing fees.

5. Priority - foreign applications under 35 U.S.C. § 119(a)-(d) or § 365(b) or PCT international applications under 35 U.S.C. § 365(a) designating at least one country other than the U.S.

☐ Priority of the following foreign application(s) is/are claimed:

Country	Application No.	Filed

Certified copy(ies): ☐ is/are attached.
☐ will follow.
☐ was/were filed in prior U.S. Application No. _____ on _____.

6. Assignment

For continuation or divisional applications:

- ☐ The prior application is assigned of record to _____,
recorded _____ at Reel/Frame _____.
- ☐ An assignment of the invention to _____ and a
PTO Form-1595, Recordation Form Cover Sheet, are enclosed.

For continuation-in-part applications:

- ☐ An assignment of the invention to _____ and a
PTO Form-1595, Recordation Form Cover Sheet, are enclosed.

7. Fee Calculation (37 C.F.R. § 1.16)

CLAIMS FOR FEE CALCULATION				
	Number Filed	Number Extra	at Rate of	Basic Fee Utility \$770.00 Design \$385.00
Total Claims (37 C.F.R. § 1.16(c))	* - 20 =	0	\$ 18.00 each =	+ \$0.00
Independent Claims (37 C.F.R. § 1.16(b))	* - 3 =	0	\$ 86.00 each =	+ \$0.00
Multiple dependent claim(s), if any (37 C.F.R. § 1.16(d))			\$290.00	+ \$0.00
SUB-TOTAL =				\$0.00
Reduction by ½ for filing by a small entity				- \$0.00
TOTAL FILING FEE =				\$0.00

8. Fee Payment

☒ Not Enclosed. **NO FEE IS BEING PAID BY CHECK OR DEPOSIT ACCOUNT AT THIS TIME.**

This application is being filed under the provisions of 37 C.F.R. § 1.53(f).
Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the Declaration and paying the filing fees.

☐ Enclosed.

A check(s) in the amount of \$_____ to cover the _____ is enclosed.

- ☐ The fee for extra claims under 37 C.F.R. § 1.16(d) is not being paid at this time and no authorization is given to charge our deposit account for this fee.

9. ☒ The power of attorney in the prior application is to at least one of the registered practitioners of Morgan, Lewis & Bockius LLP included in the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and all correspondence shall be addressed to that Customer Number.


Please address all correspondence to Morgan, Lewis & Bockius LLP at
Customer Number: 09629

10. ☒ **PETITION FOR EXTENSION OF TIME.** If any extension of time is necessary for the filing of this application, including any extension in the prior application, application no. 09/780,630, filed February 11, 2001, for the purpose of maintaining copendency between the prior application and the present application, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to Deposit Account No. 50-0310.
11. ☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be an **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).
12. Additional papers enclosed:
- ☐ Information Disclosure Statement
 - ☐ Form PTO-1449, _____ references included
 - ☐ Declaration of Biological Deposit
 - ☐ Submission of "Sequence Listing, Computer Readable Copy and Statement Accompanying Sequence Listing"

Respectfully Submitted,
Morgan Lewis & Bockius LLP

Date: November 3, 2003
Morgan Lewis & Bockius LLP
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